

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JANICE KAY LACY,

Plaintiff,

v.

**MANN + HUMMEL/
AIR FILTRATION AMERICAS,**

Defendant.

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Civil Action No. 4:24-cv-091-O-BP

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation (“FCR”) of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge believes that the Findings and Conclusions of the Magistrate Judge are correct, and they are accepted as the Findings and Conclusions of the Court.

Since the Magistrate Judge filed his FCR, Plaintiff amended her complaint to re-construe her termination date so that her claim would not be time-barred. ECF No. 27. But the Magistrate Judge already determined Lacy’s termination date.¹ Neither Lacy’s amended complaint (which was not filed with leave from the Court pursuant to FRCP 15(a)(2)), nor her objection (which was filed late) alter that finding. For support, Lacy submits an email to show that she relied on the EEOC’s calculation of the filing deadline. ECF No. 29, Ex. A. But the EEOC based that deadline on the incorrect termination date Lacy supplied to them. *Id.*

¹ See FCR, ECF No. 26 at 7 (“Lacy learned of her termination on December 12, 2022, through a voicemail left on her cellphone according to her own Amended Complaint. See ECF No. 21 at 4. This notice was ‘unequivocal notice of [] termination.’ *Burfield*, 51 F.3d at 588.”).

Accordingly, it is **ORDERED** that Defendant's Motion to Dismiss (ECF No. 14) is **GRANTED**. Plaintiff's claims under Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act are **DISMISSED WITH PREJUDICE**. Plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE**.

It is further **ORDERED** that Plaintiff's Second Amended Complaint (ECF No. 27) be struck from the record for failure to seek leave in compliance with FRCP 15(a)(2), and that Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint (ECF No. 28) be **DENIED** as **MOOT**.

SO ORDERED on this **30th day of October, 2024**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE